### **TUESDAY, JANUARY 11, 2022**

### THIRTY-FIFTH LEGISLATIVE DAY

The House of Representatives of the One Hundred Twelfth General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Mr. Speaker Sexton, in accordance with Article II, Section 8 of the Constitution of the State of Tennessee and pursuant to Senate Joint Resolution No. 771.

The proceedings were opened with prayer by Rep. Lamberth.

Representative Lamberth led the House in the Pledge of Allegiance to the Flag.

### **ROLL CALL**

The roll call was taken with the following results:	
Present9	3

Representatives present were Alexander, Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Cooper, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 93

### **EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Mannis

Representative Freeman

### PRESENT IN CHAMBER

Rep. Love was recorded as being present in the Chamber.

### **SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 607** Reps. Carr, Wright, Eldridge, Powers, Cepicky, Rudd, Whitson, Garrett, Hall, Reedy, Gillespie, Helton and Hulsey as prime sponsors.

House Bill No. 1392 Rep. Freeman as First prime sponsor.

**House Bill No. 1392** Reps. Ramsey, McKenzie, Carr, Weaver, Helton and Moon as prime sponsors.

House Bill No. 1532 Rep. Howell as First prime sponsor.

House Bill No. 1634 Reps. Ogles as prime sponsors.

**House Bill No. 1642** Reps. Carr, Faison, Miller, Lamar, Bricken, Hodges and Ramsey as prime sponsors.

### MESSAGE FROM THE SENATE January 11, 2022

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 773; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

\*Senate Joint Resolution No. 773 -- Memorials, Recognition - Newell "Hop" Byrd. by \*Southerland.

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolutions listed were introduced and referred to the appropriate Committee:

\*House Joint Resolution No. 386 -- General Assembly, Statement of Intent or Position - Denounces racism for deleterious effects on human development. by \*Cooper.

House State Government Committee

\*House Joint Resolution No. 403 -- General Assembly, Statement of Intent or Position - Condemns anti-Asian bias incidents in U.S. and acts of hatred and violence being committed against Asian Americans. by \*Hardaway.

House State Government Committee

\*House Joint Resolution No. 505 -- Memorials, Congress - Urges continued production of zinc-based coins as legal U.S. currency. by \*Faison, \*Hicks G, \*Alexander, \*Hawk, \*Eldridge, \*Crawford, \*Campbell S, \*Weaver, \*Powers, \*Hicks T, \*Carr, \*Farmer.

House Commerce Committee

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for January 12, 2022:

- \*House Joint Resolution No. 640 -- Memorials, Sports Connor Henson, Columbia Academy, TSSAA Division II-A Cross Country State Champion. by \*Cepicky.
- \*House Joint Resolution No. 641 -- Memorials, Sports Columbia Academy Lady Bulldogs, 2021 state champions. by \*Cepicky.
- \*House Joint Resolution No. 642 -- Memorials, Retirement Sergeant First Class Michael King, Tennessee National Guard. by \*Terry.
- \*House Joint Resolution No. 643 -- Memorials, Retirement Major Shawn P. Chance, Tennessee National Guard. by \*Terry.
- \*House Joint Resolution No. 644 -- Memorials, Recognition Signal Mountain Police Department. by \*Hazlewood.
- \*House Joint Resolution No. 645 -- Memorials, Recognition Officer Troy Kennedy, Signal Mountain Police Department. by \*Hazlewood.
- \*House Joint Resolution No. 646 -- Memorials, Recognition Coleman Thompson. by \*Cooper.
- \*House Joint Resolution No. 647 -- Memorials, Death Edwin L. "Eddie" Bryan. by \*Freeman.
- \*House Joint Resolution No. 648 -- Memorials, Sports Alexandra Walsh, Olympic silver medalist in swimming. by \*Freeman.
- \*House Joint Resolution No. 649 -- Memorials, Death Leonard Doyle Kirk. by \*Cepicky, \*Doggett.
- \*House Joint Resolution No. 650 -- Memorials, Recognition Dr. Scott Hummel, 29th President of Tusculum University. by \*Hawk.
- \*House Joint Resolution No. 651 -- Memorials, Personal Achievement Phillip Andrew "Andy" Herron, Eagle Scout. by \*Moon.
- This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

\*House Joint Resolution No. 654 -- Memorials, Recognition - Former Fire Chief James Harvey Reviere. by \*Hurt.

\*House Joint Resolution No. 655 -- Memorials, Recognition - Rip Roaring Adventures. by \*Faison.

\*House Joint Resolution No. 656 -- Memorials, Retirement - Patrick J. Lawton. by \*White, \*Vaughan, \*Thompson.

# SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution listed was noted as being placed on the Consent Calendar for January 12, 2022:

\*Senate Joint Resolution No. 773 -- Memorials, Recognition - Newell "Hop" Byrd. by \*Southerland.

#### **RESOLUTIONS LYING OVER**

On motion, the resolutions listed were referred to the appropriate Committee:

\*Senate Joint Resolution No. 201 -- Naming and Designating - Designates April 2021, as "County Government Month" in Tennessee. by \*Powers, \*Yager.

House Naming & Designating Committee

\*Senate Joint Resolution No. 202 -- General Assembly, Statement of Intent or Position - Encourages health insurers, providers, and hospitals to adopt the CDC Hepatitis C screening guidelines to test all pregnant women in Tennessee for Hepatitis C to help prevent the spread of new infections. by \*Crowe.

House Health Committee

\*Senate Joint Resolution No. 209 -- Naming and Designating - "Child Abuse Prevention Month," April 2021. by \*McNally, \*White, \*Akbari, \*Bailey, \*Campbell, \*Massey, \*Reeves, \*Robinson.

House Naming & Designating Committee

\*Senate Joint Resolution No. 228 -- General Assembly, Statement of Intent or Position - Supports recommendations of Agricultural Education and Youth Participation Task Force. by \*Southerland.

House Agriculture & Natural Resources Committee

\*Senate Joint Resolution No. 343 -- Naming and Designating - Honor the Fallen Month, May 2021. by \*Johnson, \*Powers.

House Naming & Designating Committee

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

\*House Bill No. 1634 -- Election Laws - As introduced, requires county election commissions to include three non-binding questions related to the legalization of marijuana on the November 2022 ballot; requires the secretary of state to compile the results of the public policy opinion poll and forward the results to the members of the general assembly. - Amends TCA Title 2. by \*Griffey, \*Ogles.

\*House Bill No. 1635 -- Utilities, Utility Districts - As introduced, creates the commission on petroleum pipelines to study and review the manner in which petroleum companies exercise eminent domain for purposes of siting, constructing, and operating new petroleum pipelines; places a temporary moratorium on acquiring by eminent domain property for the construction of new pipeline. - Amends TCA Title 4; Title 12; Title 13; Title 29; Title 60; Title 65 and Title 68. by \*Chism.

\*House Bill No. 1636 -- Employees, Employers - As introduced, requires certain employers to utilize an e-verification program in hiring; removes immunity for an employer's reliance on other forms of verification; makes other related changes. - Amends TCA Title 50, Chapter 1. by \*Griffey.

\*House Bill No. 1637 -- Children and Youth, Commission on - As introduced, enacts the "Community Accountability for Juvenile Justice and Violence Act," which changes from September 1 to October 1 the date by which the commission on children and youth must make budget recommendations for the following fiscal year to the governor, finance committees of the house and senate, legislative budget offices, and affected state departments. - Amends TCA Title 37; Title 39 and Title 40. by \*Lamar.

\*House Bill No. 1638 -- Historical Commission - As introduced, requires the Tennessee historical commission to file quarterly reports with the governor, speaker of the senate, and speaker of the house of representatives concerning the status of waivers filed with the commission affecting the state capitol complex. - Amends TCA Title 3; Title 4 and Title 9. by \*Sexton C.

\*House Bill No. 1639 -- State Government - As introduced, prohibits this state or its political subdivisions from taking certain actions in response to the COVID-19 pandemic. - Amends TCA Title 4, Chapter 1; Title 5, Chapter 1; Title 6, Chapter 54 and Title 8. by \*Warner, \*Griffey.

\*House Bill No. 1640 -- Sentencing - As introduced, adds the offense of rape to the offenses for which a defendant is not eligible for probation under the Tennessee Criminal

Sentencing Reform Act of 1989. - Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35. by \*Ogles.

\*House Bill No. 1641 -- Mortgages - As introduced, requires the sponsoring mortgage lender or mortgage loan broker to ensure that each application for a residential mortgage loan contains the Nationwide Mortgage Licensing System and Registry number, instead of the license number or a unique identifier, of the applicable mortgage lender, mortgage loan broker, and mortgage loan originator. - Amends TCA Title 45, Chapter 13. by \*Moon.

\*House Bill No. 1642 -- Gaming - As introduced, recognizes a federally recognized Indian tribe residing on tribal trust lands within this state for purposes of obtaining a gaming license from the national Indian gaming commission to conduct gaming operations on the tribal trust lands of the Indian tribe. - Amends TCA Title 3; Title 4; Title 12 and Title 66. by \*Hurt, \*Carr, \*Faison, \*Miller, \*Lamar, \*Bricken, \*Hodges, \*Ramsey.

\*House Bill No. 1643 -- Employees, Employers - As introduced, prohibits a private employer from requiring an individual to be subjected to a COVID-19 vaccination if the individual has contracted and recovered from it; holds a private employer liable for certain costs if the employer requires an individual to be subjected to a COVID-19 vaccination and if the individual suffers serious bodily injury or death as a result. - Amends TCA Title 4; Title 29; Title 50; Title 56 and Title 68. by \*Lynn.

\*House Bill No. 1644 -- Education, State Board of - As introduced, expands the lifetime wellness standards for grades nine through 12 to include the prevention and detection of cancers as recommended by the Tennessee cancer coalition. - Amends TCA Title 49. by \*Hodges.

\*House Bill No. 1645 -- Criminal Offenses - As introduced, expands the offense of civil rights intimidation to create a Class D felony, punishable by a fine not to exceed \$5,000, for taking adverse action, as defined in this bill, against an employee who has expressly objected to the COVID-19 vaccination based upon the employee's religious beliefs, creed, or conscience, with the intent to unlawfully intimidate or force the employee to obtain a COVID-19 vaccination. - Amends TCA Title 14, Chapter 3 and Title 39, Chapter 17, Part 3. by \*Ogles, \*Cepicky.

\*House Bill No. 1646 -- Animal Cruelty and Abuse - As introduced, enacts "Joker's Law," which revises the offense of knowingly and unlawfully killing a police dog, fire dog, search and rescue dog, service animal, or police horse without the owner's effective consent; adds provisions regarding knowingly and unlawfully causing serious injury to such an animal; permits transfer of juveniles charged with the offense to adult criminal court. - Amends TCA Section 37-1-134 and Title 39, Chapter 14. by \*Hall.

**House Bill No. 1647** -- Registers of Deeds - As introduced, deletes the requirement for registers of deeds to remit 52 percent of their commission for the collection of the recordation tax to the state treasurer. - Amends TCA Title 67, Chapter 4, Part 4. by \*Wright.

\*House Bill No. 1648 -- Local Education Agencies - As introduced, authorizes an LEA or public charter school to enroll, or deny enrollment to, students who are unlawfully present in the United States; eliminates state education funding for students who are unlawfully present in the United States; requires LEAs and public charter schools that enroll students who are

unlawfully present in the United States to bear sole financial responsibility for their education. - Amends TCA Title 4 and Title 49. by \*Griffey.

**House Bill No. 1649** -- State Employees - As introduced, provides that preference must be given to veterans and certain spouses of veterans for invitations to interview as candidates for appointments within state service, rather than for invitations to interview as candidates for appointments or promotion within state service. - Amends TCA Title 8, Chapter 30. by \*Weaver.

\*House Bill No. 1650 -- Taxes, Gasoline, Petroleum Products - As introduced, reduces the tax on gasoline and diesel to pre-IMPROVE Act rates of 20¢ and 17¢ per gallon, respectively; reallocates percentage of state sales and use tax revenues to supplement state highway fund and local government road programs. - Amends TCA Title 9, Chapter 3, Part 4; Title 9, Chapter 4; Title 67, Chapter 6, Part 1; Title 67, Chapter 3, Part 2 and Title 67, Chapter 3, Part 9. by \*Griffey.

\*House Bill No. 1651 -- Municipal Government - As introduced, requires municipalities to allow current structural and illumination technologies to be used when outdoor advertising devices are constructed or expanded. - Amends TCA Title 13, Chapter 7; Title 29; Title 54, Chapter 17 and Title 54, Chapter 21. by \*Howell.

\*House Bill No. 1652 -- Consumer Protection - As introduced, requires a business that allows someone to sign up for a service or subscription online to provide the option to cancel the service or subscription online without additional steps. - Amends TCA Title 47, Chapter 18. by \*Howell.

**House Bill No. 1653** -- Motor Vehicles - As introduced, increases, from 30 to 60, the number of days used in calculating the penalty for delinquency in forwarding to the department of revenue of any remittance, report, application, document, form, or paperwork required by a contracting entity that maintains a fleet of 200 vehicles or more that is contracted to provide services normally performed by the department. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 54; Title 55; Title 65 and Title 67. by \*Howell.

**House Bill No. 1654** -- Highways, Roads and Bridges - As introduced, increases, from 10 to 15 days, the amount of time a utility owner has to provide certain notices to the department of transportation (TDOT) regarding the relocation of utility infrastructure within a right-of-way. - Amends TCA Title 54. by \*Howell.

**House Bill No. 1655** -- Special License Plates - As introduced, extends, from 30 to 45 days, the time frame in which a noncompliant applicant to whom a Tennessee Sheriff's Association registration plate has been issued must surrender the plate to the county clerk. - Amends TCA Title 55, Chapter 4. by \*Howell.

\*House Bill No. 1656 -- Appeal and Review - As introduced, allows for the filing of a petition for post-conviction relief alleging actual innocence based on new evidence when other forms of review are not applicable; requires a court to vacate and set aside a conviction if the court determines the petitioner has shown that no reasonable judge or juror would have

convicted the petitioner of the offense if the new evidence had been known by the judge or jury at the time guilt was determined. - Amends TCA Title 27 and Title 40. by \*Faison.

- \*House Bill No. 1657 -- Alcoholic Beverages As introduced, revises the description of Lakeland Golf Course for purposes of consumption of alcoholic beverages on the premises. Amends TCA Section 57-4-102. by \*Faison.
- \*House Bill No. 1658 -- Pensions and Retirement Benefits As introduced, establishes COVID-19 essential employee retirement service credit for members of the Tennessee consolidated retirement system and participants in the state's hybrid retirement plan. Amends TCA Title 8, Chapter 34 and Title 8, Chapter 36. by \*Russell.
- **House Bill No. 1659** -- Highways, Roads and Bridges As introduced, names a walking path along and crossing Interstate 40 in the City of Memphis the "Gladys Bennett Memorial Walking Path." Amends TCA Title 54 and Title 55. by \*Miller.
- \*House Bill No. 1660 -- Firearms and Ammunition As introduced, deletes the affirmative defense to unlawfully carrying a firearm for persons who lawfully possess a handgun but are not handgun carry permit holders. Amends TCA Title 39 and Chapter 108 of the Public Acts of 2021. by \*Cooper.
- \*House Bill No. 1661 -- Criminal Offenses As introduced, creates a new offense of aggravated reckless driving. Amends TCA Title 55, Chapter 10. by \*Gillespie.
- \*House Bill No. 1662 -- Election Laws As introduced, prohibits the use of voting machines; requires that elections be conducted using hand-marked paper ballots; authorizes pool watchers to record video at the polling place; requires the coordinator of elections to prescribe certain security measures for paper ballots. Amends TCA Title 2. by \*Griffey.
- **House Bill No. 1663** -- Highways, Roads and Bridges As introduced, enacts the "Hannah Eimers Memorial Tennessee Roadside Safety Hardware Act"; specifies requirements for testing crash cushions and guardrail end terminals located on public highways and roads maintained by the department of transportation. Amends TCA Title 39; Title 54 and Title 55. by \*Russell.
- \*House Bill No. 1664 -- Consumer Protection As introduced, prohibits posting a review on the internet about a business that is factually false with the intent to defraud the public. Amends TCA Title 39 and Title 47. by \*Byrd.
- \*House Bill No. 1665 -- Estates As introduced, authorizes a probate court or chancery court to appoint a public receiver to determine and submit a recommendation to the court on the need for a temporary or permanent receiver over an estate; authorizes the court, upon a hearing on the report, to appoint a receiver with such powers as are necessary, consistent with those extended to receivers in absentees' estates. Amends TCA Title 30. by \*Smith.
- **House Bill No. 1666** -- Divorce, Annulment and Alimony As introduced, authorizes a court to allow mediation between parties in a divorce proceeding to occur by video conference when appropriate. Amends TCA Title 36, Chapter 4. by \*Smith.

\*House Bill No. 1667 -- Education, Dept. of - As introduced, creates a Tennessee state library coordinator position within the department; establishes the duties of the Tennessee state library coordinator. - Amends TCA Title 49. by \*Whitson.

\*House Bill No. 1668 -- Mortgages - As introduced, requires the sponsoring mortgage lender or mortgage loan broker to ensure that each application for a residential mortgage loan contains the unique identifier, instead of the license number, of the applicable mortgage lender, mortgage loan broker, and mortgage loan originator. - Amends TCA Title 45, Chapter 13. by \*Moon, \*Vaughan.

\*House Bill No. 1669 -- Education, Higher - As introduced, requires the Tennessee higher education commission to submit a report to the governor and speakers of the senate and house of representatives by December 31, 2023, on issues of food insecurity among students at public institutions of higher education in this state and that identifies and describes the efforts of the institutions to address food insecurity among students. - Amends TCA Title 4; Title 49, Chapter 50; Title 49, Chapter 7; Title 49, Chapter 8; Title 49, Chapter 9; Title 53 and Title 71. by \*Jernigan.

\*House Bill No. 1670 -- Disabled Persons - As introduced, replaces the phrase "deaf and dumb" with "deaf or hard of hearing" wherever it may appear in Tennessee Code Annotated. - Amends TCA Title 66, Chapter 23. by \*Jernigan.

**House Bill No. 1671** -- School Vouchers - As introduced, extends eligibility for an education savings account to students zoned to attend a school in an LEA that, at any time during the three-year period immediately preceding September 1, 2025, or thereafter, did not offer students 180 days of in-person learning each school year due to COVID-19 or that voluntarily imposed a mask mandate in response to COVID-19 and that voluntarily refused to allow parents and guardians to opt their students out of the mask mandate. - Amends TCA Section 49-6-2602(3). by \*Curcio.

\*House Bill No. 1672 -- Hazardous Materials - As introduced, adds coal ash and related coal combustion residuals to the definition of hazardous waste. - Amends TCA Title 68. by \*Cooper.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bill listed below, transmitted to the House, was held on the Clerk's desk pending third consideration of the companion House Bill as noted:

\*Senate Bill No. 136 -- Human Rights - As introduced, enacts the "CROWN Act: Create a Respectful and Open World for Natural Hair" to define race and protective hairstyle for purposes of the Tennessee Human Rights Act. - Amends TCA Title 4, Chapter 21; Title 8; Title 49 and Title 50. by \*Akbari, \*Gilmore, \*Campbell, \*Robinson. (HB204 by \*Camper)

### **UNFINISHED BUSINESS**

### **BILLS WITHDRAWN**

On motion of Rep. Lynn, House Bill No. 1643 was withdrawn from the House.

#### **BILL RE-REFERRED**

Pursuant to Rule No. **83(2)**, the following bill, having been returned to the Clerk's desk, was re-referred to the following Committee by the Speaker:

House Joint Resolution No. 44 -- Victims' Rights -- House Criminal Justice Committee

### **ANNOUNCEMENTS**

#### **APPOINTMENTS**

The Speaker appointed Rep. Farmer as Chair of the Civil Justice Committee and appointed him to the Calendar and Rules Committee.

The Speaker appointed Rep. Russell as Chair of the Civil Justice Subcommittee.

The Speaker appointed Rep. Darby as the Vice Chairman of the Calendar and Rules Committee.

### **REPORTS FILED**

The Clerk announced that the Youth Transitions Advisory Council Annual Report 2021, the 2021 Capital Post – Conviction Case Report, the Competitive Cable and Video Services Act Minority Owned Business Participation Plan Report for 2020 and the Recommendations of the Tennessee Medical Cannabis Commission 2022 Report have been filed with the Clerk's office and are available for review.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 233 Rep. Powers as prime sponsor.

**House Bill No. 794** Rep. Weaver as First prime sponsor.

House Bill No. 1025 Rep. Doggett as Third prime sponsor.

House Bill No. 1025 Reps. Gant, Curcio, Littleton and Alexander as prime sponsors.

House Bill No. 1356 Rep. Hall as prime sponsor.

House Bill No. 1583 Rep. Freeman as prime sponsor.

**House Bill No. 1584** Rep. Freeman as prime sponsor.

### **ROLL CALL**

The roll call was taken with the following results:	
Present	97

Representatives present were Alexander, Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Cooper, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 97

### RECESS

On motion of Rep. Gant, the House stood in recess until 9:00 a.m., Wednesday, January 12, 2022.